

## REMARKS

Claims 1, 14, 21, and 25 have been amended to require, *inter alia*, a first and second series of elongate spaced protuberances converging in the cross-machine direction. Support for the current Amendments to Claims 1, 14, 21, and 25 is found on page 7, lines 26-27, of the Specification and Figure 2, as originally filed. Claims 14-20 have been previously withdrawn. Claims 21-25 have been withdrawn by the Examiner pursuant to a restriction requirement and Final Office Action dated August 22, 2003. Claims 26 and 27 have been added. New Claim 26 claims an arcuate cavity having a radius that is decreasable in the machine direction. Support for new Claim 26 is found on page 14, lines 11-12, and Figs. 11-14 of the Specification, as originally filed. New Claim 27 claims the arcuate cavity having a substantially uniform radius. Support for new Claim 27 is found on page 14, lines 7-16, and Fig. 14 of the Specification, as originally filed. No new matter has been added. Claims 1-27 remain in this Application and are presented for the Examiner's reconsideration in light of the above Amendments, new claims, and the following comments.

### Restriction Requirement Under 35 U.S.C. §121

The Examiner has withdrawn Claims 21-25 from consideration as being directed to a non-elected invention. In particular, the Examiner states that the new claims are sub-combinations of the originally examined claims. Applicants traverse this restriction requirement.

Applicants believe Claims 21-25 to be related to previously examined Claims 1-14, not as combination and sub-combination, but as genus-species; to wit: Applicants' Claim 1 claims, *inter alia*, a first series of elongate spaced protuberances . . . and a second series of elongate spaced protuberances. Further, Claims 21 claims, *inter alia*, a first series of non-collinear elongate spaced protuberances . . . and a second series of non-collinear elongate spaced protuberances. Additionally, Applicants' new Claim 25 claims, *inter alia*, a first series of collectively elongate spaced protuberances . . . and a second series of collectively elongate spaced protuberances. Thus, it can be seen that Applicants' Claim 1, directed toward elongate spaced protuberances, would read on non-collinear elongate spaced protuberances and collectively elongate spaced protuberances.

Applicants respectfully direct the Examiner's attention to M.P.E.P. §806.04(d), which states, "A generic claim should read on each of the [embodiments]. A generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species." Thus,

Applicants respectfully believe the claims added by the previous response to be related to the previously examined claims by way of genus-species and not combination, sub-combination. Applicants respectfully request withdrawal of the election restriction requirement to Claims 21-25.

#### Declaration

Because of Applicants' amendment to the current claims, a correction of inventorship is required in the instant case. Applicants are providing a newly executed declaration to correct inventorship pursuant to 37 C.F.R. §201.03. A courtesy copy of the newly executed declaration is enclosed herein.

#### Rejection Under 35 U.S.C. §102

Claims 1-6 and 13 have been finally rejected under 35 U.S.C. §102(b) over Davidson, U.S. Patent No. 2,164,702. Arguments previously made with respect to the *Davidson* reference will not be repeated for the sake of brevity. However, the Examiner is encouraged to consider the following additional arguments with respect to the *Davidson* reference:

1. Applicants' invention, as now presented in Claim 1 by amendment, claims a web pleating apparatus comprising a first series and second series of **elongate** space protuberances each converging in the **cross-machine** direction.

2. Applicants respectfully direct the Examiner to the definition of "elongate" pursuant to Webster's Third New International Dictionary Unabridged, 1986 (copy enclosed). Webster's defines "elongate" as "to increase the length of: stretch out;" or "having a form notably long in comparison to its width."

3. Figs. 10 and 11, as cited by the Examiner, show rollers 21 formed in proportion to produce longitudinal folds of widths transversely across web 20. See Col. 2, ll. 1-4.

4. As one of skill in the art would realize, a roller has an aspect ratio of 1, whereas Applicants' elongate spaced protuberances have an aspect ratio greater than 1.

5. Further, *Davidson* is silent with respect to providing first and second series of elongate spaced protruberances converging in the cross-machine direction. Further, there is no suggestion in the *Davidson* reference to provide a first and second series of elongate spaced protruberances that each converge in the cross-machine direction.

Due to these considerations, *Davidson* fails to teach each and every element of Applicants' claimed invention. Further, *Davidson* fails to disclose or even suggest Applicants' web pleating apparatus comprising, *inter alia*, first and second series of elongate spaced protruberances each converging in the cross-machine direction and interleaving in the Z-direction.

A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim. *See Roe v. Dror*, 112 F.3d 473, 42 U.S.P.Q.2d 1550 (Fed.Cir. 1997). Further, anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *See Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 57 U.S.P.Q.2d 1057 (Fed.Cir. 2000) (citing *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017, 1019 (Fed.Cir. 1994)). Further, there is no teaching or suggestion in the *Davidson* reference to make Applicants' claimed web pleading apparatus comprising, *inter alia*, first and second series of elongate spaced protruberances converging in the cross-machine direction and interleaving in the Z-direction. Therefore, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) rejection over *Davidson*.

Further, because Claims 2-13 and 26-27 all depend directly or indirectly from Applicants' independent Claim 1, they contain all of its limitations. For this reason, Applicants submit that the arguments made above concerning the allowability of Claim 1 are equally applicable to the rejection of Claims 2-13 and 26-27 under 35 U.S.C. §102(b).

Because Applicants' claimed invention is novel and unobvious over the references cited by the Examiner, favorable consideration is requested. Further, Applicants expressly request rejoinder of the claims withdrawn by the Examiner in previous Office Actions.

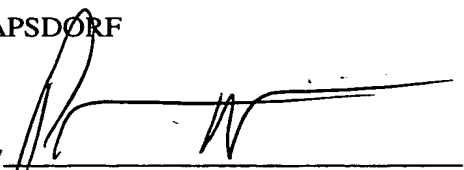
#### Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicant's remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,  
PAPSDORF

By

  
Peter D. Meyer  
Attorney for Applicants  
Registration No. 47,792  
(513) 634-9359

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